

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

FILED  
DEC 14 2010

U.S. DISTRICT COURT  
ELKINS WV 26241

UNITED STATES OF AMERICA,  
Plaintiff,

v.

Criminal No. 2:10cr26  
Violations: 30 USC §820(f)

CHAD J. FERRELL,  
Defendant.

**INDICTMENT**

The Grand Jury charges that:

**Introduction**

1. Brooks Run Mining Company, LLC ("Brooks Run") is a West Virginia Limited Liability Company (LLC) that operated the Poplar Ridge No. 1 Deep Mine ("Poplar Ridge Mine"), an underground coal mine in Webster County, within the Northern District of West Virginia.

2. The defendant, CHAD J. FERRELL, received an "underground coal miner" certificate in 2001, by the West Virginia Office of Miners' Health Safety and Training.

3. Brooks Run hired defendant CHAD J. FERRELL in September, 2007, to work as an underground coal miner at Poplar Ridge Mine. On or about September 15, 2008, Brooks Run promoted the defendant, CHAD J. FERRELL, to the position of mine foreman.

4. Defendant CHAD J. FERRELL is not and has never been certified as an mine foreman or a mine safety examiner by the State of West Virginia Office of Miners' Health, Safety and Training (WVOMHST) or by the United States Mine Safety and Health Administration (MSHA).

5. From September 15, 2008, through June 5, 2009, defendant CHAD J. FERRELL performed preshift and onshift safety examinations at Poplar Ridge Mine. He reported the results

of his safety examinations in the mine's "PRE-SHIFT - ONSHIFT and DAILY REPORT" book, signing-off on his work as either the "Preshift - Mine Examiner," "Assistant Mine Foreman," or "Mine Foreman - Mine Manager," and placing a mine foreman's certification number that was not and has never been assigned to him by either WVOMHST or MSHA.

6. From September 15, 2008, through June 5, 2009, defendant CHAD J. FERRELL also countersigned preshift and onshift safety reports of other mine safety examiners, as "Assistant Mine Foreman" or "Mine Foreman - Mine Manager," again placing the same mine foreman's certification number beside his signature that was not and has never been assigned to him.

7. On or about June 11, 2009, Brooks Run fired the defendant CHAD J. FERRELL, when he was unable to produce a mine foreman's certification card from WVOMHST or MSHA.

**COUNT ONE****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of September, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>01</b>	September 15, 2008	8:00 p.m.
<b>02</b>	September 16, 2008	9:21 p.m.
<b>03</b>	September 17, 2008	9:20 p.m.
<b>04</b>	September 18, 2008	9:24 p.m.
<b>05</b>	September 19, 2008	9:18 p.m.
<b>06</b>	September 22, 2008	9:18 p.m.

<b>07</b>	September 23, 2008	9:21 p.m.
<b>08</b>	September 24, 2008	9:15 p.m.
<b>09</b>	September 25, 2008	9:16 p.m.
<b>10</b>	September 29, 2008	9:15 p.m.
<b>11</b>	September 30, 2008	9:25 p.m.

in violation of Title 30, United States Code, Section 820(f).

**COUNT TWO****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of October, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>12</b>	October 2, 2008	9:10 p.m.
<b>13</b>	October 3, 2008	9:15 p.m.
<b>14</b>	October 6, 2008	9:15 p.m.
<b>15</b>	October 7, 2008	9:20 p.m.
<b>16</b>	October 8, 2008	9:10 p.m.
<b>17</b>	October 9, 2008	9:20 p.m.
<b>18</b>	October 13, 2008	9:14 p.m.

19	October 14, 2008	9:18 p.m.
20	October 15, 2008	9:16 p.m.
21	October 16, 2008	9:15 p.m.
22	October 17, 2008	9:15 p.m.
23	October 20, 2008	9:20 p.m.
24	October 22, 2008	9:20 p.m.
25	October 23, 2008	9:15 p.m.
26	October 27, 2008	9:15 p.m.
27	October 28, 2008	9:18 p.m.
28	October 29, 2008	9:13 p.m.
29	October 30, 2008	9:17 p.m.
30	October 31, 2008	9:13 p.m.

in violation of Title 30, United States Code, Section 820(f).

**COUNT THREE****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of November, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>31</b>	November 3, 2008	9:20 p.m.
<b>32</b>	November 4, 2008	9:17 p.m.
<b>33</b>	November 5, 2008	9:13 p.m.
<b>34</b>	November 6, 2008	9:20 p.m.
<b>35</b>	November 10, 2008	9:20 p.m.
<b>36</b>	November 11, 2008	9:15 p.m.
<b>37</b>	November 12, 2008	9:15 p.m.

<b>38</b>	November 13, 2008	9:03 p.m.
<b>39</b>	November 14, 2008	9:12 p.m.
<b>40</b>	November 17, 2008	9:17 p.m.
<b>41</b>	November 18, 2008	9:15 p.m.
<b>42</b>	November 19, 2008	9:12 p.m.

in violation of Title 30, United States Code, Section 820(f).



**COUNT FOUR****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of December, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>43</b>	December 1, 2008	9:21 p.m.
<b>44</b>	December 2, 2008	9:14 p.m.
<b>45</b>	December 3, 2008	9:12 p.m.
<b>46</b>	December 4, 2008	9:16 p.m.
<b>47</b>	December 5, 2008	9:18 p.m.
<b>48</b>	December 8, 2008	9:15 p.m.
<b>49</b>	December 9, 2008	9:10 p.m.

<b>50</b>	December 10, 2008	9:08 p.m.
<b>51</b>	December 11, 2008	9:10 p.m.
<b>52</b>	December 12, 2008	9:12 p.m.
<b>53</b>	December 15, 2008	9:18 p.m.
<b>54</b>	December 16, 2008	9:10 p.m.
<b>55</b>	December 17, 2008	9:12 p.m.
<b>56</b>	December 18, 2008	9:05 p.m.
<b>57</b>	December 19, 2008	1:20 p.m.
<b>58</b>	December 29, 2008	9:17 p.m.
<b>59</b>	December 30, 2008	9:10 p.m.

in violation of Title 30, United States Code, Section 820(f).

**COUNT FIVE****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of January, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>60</b>	January 5, 2009	9:14 p.m.
<b>61</b>	January 6, 2009	9:10 p.m.
<b>62</b>	January 7, 2009	8:00 p.m.
<b>63</b>	January 8, 2009	8:03 p.m.
<b>64</b>	January 9, 2009	8:02 p.m.
<b>65</b>	January 12, 2009	8:02 p.m.
<b>66</b>	January 13, 2009	8:05 p.m.

67	January 14, 2009	8:06 p.m.
68	January 15, 2009	8:15 p.m.
69	January 20, 2009	8:19 p.m.
70	January 21, 2009	8:10 p.m.
71	January 22, 2009	8:10 p.m.
72	January 23, 2009	8:10 p.m.
73	January 26, 2009	8:20 p.m.
74	January 27, 2009	8:18 p.m.
75	January 28, 2009	8:20 p.m.
76	January 29, 2009	8:15 p.m.

in violation of Title 30, United States Code, Section 820(f).

**COUNT SIX****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE  
PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of February, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>77</b>	February 4, 2009	8:18 p.m.
<b>78</b>	February 5, 2009	8:10 p.m.
<b>79</b>	February 9, 2009	8:20 p.m.
<b>80</b>	February 10, 2009	8:15 p.m.
<b>81</b>	February 11, 2009	9:18 p.m.
<b>82</b>	February 12, 2009	8:20 p.m.
<b>83</b>	February 16, 2009	8:17 p.m.

84	February 17, 2009	8:20 p.m.
85	February 18, 2009	8:20 p.m.
86	February 19, 2009	8:20 p.m.
87	February 20, 2009	8:18 p.m.
88	February 23, 2009	8:20 p.m.
89	February 24, 2009	8:15 p.m.
90	February 25, 2009	8:15 p.m.
91	February 26, 2009	8:20 p.m.

in violation of Title 30, United States Code, Section 820(f).

**COUNT SEVEN****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of March, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>92</b>	March 2, 2009	8:18 p.m.
<b>93</b>	March 3, 2009	8:20 p.m.
<b>94</b>	March 4, 2009	8:20 p.m.
<b>95</b>	March 5, 2009	8:17 p.m.
<b>96</b>	March 6, 2009	8:20 p.m.
<b>97</b>	March 9, 2009	8:20 p.m.
<b>98</b>	March 10, 2009	8:20 p.m.

<b>99</b>	March 11, 2009	8:20 p.m.
<b>100</b>	March 12, 2009	8:21 p.m.
<b>101</b>	March 16, 2009	8:21 p.m.
<b>102</b>	March 17, 2009	8:20 p.m.
<b>103</b>	March 18, 2009	8:15 p.m.
<b>104</b>	March 19, 2009	8:15 p.m.
<b>105</b>	March 20, 2009	8:20 p.m.
<b>106</b>	March 23, 2009	8:20 p.m.
<b>107</b>	March 24, 2009	8:20 p.m.
<b>108</b>	March 25, 2009	8:20 p.m.
<b>109</b>	March 26, 2009	8:18 p.m.
<b>110</b>	March 30, 2009	8:20 p.m.
<b>111</b>	March 31, 2009	8:20 p.m.

in violation of Title 30, United States Code, Section 820(f).



**COUNT EIGHT****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of April, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>112</b>	April 1, 2009	8:20 p.m.
<b>113</b>	April 2, 2009	8:22 p.m.
<b>114</b>	April 7, 2009	8:20 p.m.
<b>115</b>	April 8, 2009	8:20 p.m.
<b>116</b>	April 20, 2009	8:20 p.m.
<b>117</b>	April 21, 2009	8:22 p.m.
<b>118</b>	April 22, 2009	8:18 p.m.

<b>119</b>	April 23, 2009	8:20 p.m.
<b>120</b>	April 27, 2009	8:20 p.m.
<b>121</b>	April 28, 2009	8:20 p.m.
<b>122</b>	April 29, 2009	8:21 p.m.
<b>123</b>	April 30, 2009	8:20 p.m.

in violation of Title 30, United States Code, Section 820(f).

**COUNT NINE****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of May, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>124</b>	May 4, 2009	8:20 p.m.
<b>125</b>	May 5, 2009	8:20 p.m.
<b>126</b>	May 6, 2009	8:20 p.m.
<b>127</b>	May 7, 2009	8:19 p.m.
<b>128</b>	May 8, 2009	5:30 a.m.
<b>129</b>	May 11, 2009	8:20 p.m.
<b>130</b>	May 12, 2009	8:20 p.m.

<b>131</b>	May 13, 2009	8:18 p.m.
<b>132</b>	May 14, 2009	8:20 p.m.
<b>133</b>	May 18, 2009	8:20 p.m.
<b>134</b>	May 19, 2009	8:21 p.m.
<b>135</b>	May 20, 2009	8:20 p.m.
<b>136</b>	May 21, 2009	8:21 p.m.
<b>137</b>	May 26, 2009	8:20 p.m.
<b>138</b>	May 27, 2009	8:20 p.m.
<b>139</b>	May 28, 2009	8:18 p.m.

in violation of Title 30, United States Code, Section 820(f).

**COUNT TEN****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****PRESHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of June, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a Preshift-Mine Examiner whose foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified by WVOMHST and not certified by MSHA to perform underground mine preshift safety examinations, and that the mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>140</b>	June 1, 2009	8:17 p.m.
<b>141</b>	June 3, 2009	8:17 p.m.
<b>142</b>	June 4, 2009	8:20 p.m.
<b>143</b>	June 5, 2009	5:00 a.m.

in violation of Title 30, United States Code, Section 820(f).

**COUNT ELEVEN****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****ONSHIFT SAFETY EXAMINATIONS**

On or about the dates listed below in the month of September, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>SHIFT</b>
<b>144</b>	September 15, 2008	Evening Shift
<b>145</b>	September 16, 2008	Evening Shift
<b>146</b>	September 17, 2008	Evening Shift
<b>147</b>	September 18, 2008	Evening Shift
<b>148</b>	September 19, 2008	Evening Shift
<b>149</b>	September 20, 2008	Evening Shift
<b>150</b>	September 22, 2008	Evening Shift

<b>151</b>	September 23, 2008	Evening Shift
<b>152</b>	September 24, 2008	Evening Shift
<b>153</b>	September 25, 2008	Evening Shift
<b>154</b>	September 26, 2008	Evening Shift
<b>155</b>	September 29, 2008	Evening Shift
<b>156</b>	September 30, 2008	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

**COUNT TWELVE****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of October, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>SHIFT</b>
<b>157</b>	October 1, 2008	Evening Shift
<b>158</b>	October 2, 2008	Evening Shift
<b>159</b>	October 3, 2008	Evening Shift
<b>160</b>	October 4, 2008	Evening Shift
<b>161</b>	October 6, 2008	Evening Shift
<b>162</b>	October 7, 2008	Evening Shift
<b>163</b>	October 8, 2008	Evening Shift



<b>164</b>	October 9, 2008	Evening Shift
<b>165</b>	October 10, 2008	Evening Shift
<b>166</b>	October 13, 2008	Evening Shift
<b>167</b>	October 14, 2008	Evening Shift
<b>168</b>	October 15, 2008	Evening Shift
<b>169</b>	October 16, 2008	Evening Shift
<b>170</b>	October 17, 2008	Evening Shift
<b>171</b>	October 18, 2008	Evening Shift
<b>172</b>	October 20, 2008	Evening Shift
<b>173</b>	October 22, 2008	Evening Shift
<b>174</b>	October 23, 2008	Evening Shift
<b>175</b>	October 24, 2008	Evening Shift
<b>176</b>	October 27, 2008	Evening Shift
<b>177</b>	October 28, 2008	Evening Shift
<b>178</b>	October 29, 2008	Evening Shift
<b>179</b>	October 30, 2008	Evening Shift
<b>180</b>	October 31, 2008	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

**COUNT THIRTEEN****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of November, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>SHIFT</b>
<b>181</b>	November 1, 2008	Evening Shift
<b>182</b>	November 3, 2008	Evening Shift
<b>183</b>	November 5, 2008	Evening Shift
<b>184</b>	November 6, 2008	Evening Shift
<b>185</b>	November 7, 2008	Evening Shift
<b>186</b>	November 8, 2008	Evening Shift
<b>187</b>	November 11, 2008	Evening Shift

<b>188</b>	November 12, 2008	Evening Shift
<b>189</b>	November 13, 2008	Evening Shift
<b>190</b>	November 14, 2008	Evening Shift
<b>191</b>	November 15, 2008	Evening Shift
<b>192</b>	November 16, 2008	Evening Shift
<b>193</b>	November 18, 2008	Evening Shift
<b>194</b>	November 19, 2008	Evening Shift
<b>195</b>	November 20, 2008	Evening Shift
<b>196</b>	November 21, 2008	Evening Shift
<b>197</b>	November 22, 2008	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

**COUNT FOURTEEN****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of December, 2008, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>SHIFT</b>
<b>198</b>	December 2, 2008	Evening Shift
<b>199</b>	December 3, 2008	Evening Shift
<b>200</b>	December 5, 2008	Evening Shift
<b>201</b>	December 6, 2008	Evening Shift
<b>202</b>	December 7, 2008	Evening Shift
<b>203</b>	December 9, 2008	Evening Shift
<b>204</b>	December 10, 2008	Evening Shift

<b>205</b>	December 11, 2008	Evening Shift
<b>206</b>	December 12, 2008	Evening Shift
<b>207</b>	December 13, 2008	Evening Shift
<b>208</b>	December 14, 2008	Evening Shift
<b>209</b>	December 16, 2008	Evening Shift
<b>210</b>	December 17, 2008	Evening Shift
<b>211</b>	December 18, 2008	Evening Shift
<b>212</b>	December 19, 2008	Evening Shift
<b>213</b>	December 20, 2008	Evening Shift
<b>214</b>	December 29, 2008	Evening Shift
<b>215</b>	December 31, 2008	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

**COUNT FIFTEEN****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of January, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>SHIFT</b>
<b>216</b>	January 1, 2009	Evening Shift
<b>217</b>	January 3, 2009	Evening Shift
<b>218</b>	January 6, 2009	Evening Shift
<b>219</b>	January 7, 2009	Evening Shift
<b>220</b>	January 8, 2009	Evening Shift
<b>221</b>	January 9, 2009	Evening Shift
<b>222</b>	January 10, 2009	Evening Shift

<b>223</b>	January 11, 2009	Evening Shift
<b>224</b>	January 13, 2009	Evening Shift
<b>225</b>	January 14, 2009	Evening Shift
<b>226</b>	January 16, 2009	Evening Shift
<b>227</b>	January 17, 2009	Evening Shift
<b>228</b>	January 21, 2009	Evening Shift
<b>229</b>	January 22, 2009	Evening Shift
<b>230</b>	January 23, 2009	Evening Shift
<b>231</b>	January 24, 2009	Evening Shift
<b>232</b>	January 25, 2009	Evening Shift
<b>233</b>	January 27, 2009	Evening Shift
<b>234</b>	January 28, 2009	Evening Shift
<b>235</b>	January 29, 2009	Evening Shift
<b>236</b>	January 30, 2009	Evening Shift
<b>237</b>	January 31, 2009	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

**COUNT SIXTEEN****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of February, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>SHIFT</b>
<b>238</b>	February 3, 2009	Evening Shift
<b>239</b>	February 5, 2009	Evening Shift
<b>240</b>	February 6, 2009	Evening Shift
<b>241</b>	February 10, 2009	Evening Shift
<b>242</b>	February 11, 2009	Evening Shift
<b>243</b>	February 12, 2009	Evening Shift
<b>244</b>	February 13, 2009	Evening Shift



<b>245</b>	February 17, 2009	Evening Shift
<b>246</b>	February 18, 2009	Evening Shift
<b>247</b>	February 19, 2009	Evening Shift
<b>248</b>	February 20, 2009	Evening Shift
<b>249</b>	February 21, 2009	Evening Shift
<b>250</b>	February 22, 2009	Evening Shift
<b>251</b>	February 24, 2009	Evening Shift
<b>252</b>	February 25, 2009	Evening Shift
<b>253</b>	February 26, 2009	Evening Shift
<b>254</b>	February 28, 2009	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

**COUNT SEVENTEEN****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of March, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>SHIFT</b>
<b>255</b>	March 3, 2009	Evening Shift
<b>256</b>	March 4, 2009	Evening Shift
<b>257</b>	March 5, 2009	Evening Shift
<b>258</b>	March 6, 2009	Evening Shift
<b>259</b>	March 7, 2009	Evening Shift
<b>260</b>	March 8, 2009	Evening Shift
<b>261</b>	March 10, 2009	Evening Shift

262	March 11, 2009	Evening Shift
263	March 12, 2009	Evening Shift
264	March 13, 2009	Evening Shift
265	March 14, 2009	Evening Shift
266	March 17, 2009	Evening Shift
267	March 18, 2009	Evening Shift
268	March 19, 2009	Evening Shift
269	March 20, 2009	Evening Shift
270	March 21, 2009	Evening Shift
271	March 22, 2009	Evening Shift
272	March 24, 2009	Evening Shift
273	March 25, 2009	Evening Shift
274	March 26, 2009	Evening Shift
275	March 27, 2009	Evening Shift
276	March 28, 2009	Evening Shift
277	March 31, 2009	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

**COUNT EIGHTEEN****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of April, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>SHIFT</b>
<b>278</b>	April 1, 2009	Evening Shift
<b>279</b>	April 2, 2009	Evening Shift
<b>280</b>	April 3, 2009	Evening Shift
<b>281</b>	April 4, 2009	Evening Shift
<b>282</b>	April 7, 2009	Evening Shift
<b>283</b>	April 8, 2009	Evening Shift
<b>284</b>	April 9, 2009	Evening Shift

<b>285</b>	April 10, 2009	Evening Shift
<b>286</b>	April 21, 2009	Evening Shift
<b>287</b>	April 22, 2009	Evening Shift
<b>288</b>	April 23, 2009	Evening Shift
<b>289</b>	April 24, 2009	Evening Shift
<b>290</b>	April 25, 2009	Evening Shift
<b>291</b>	April 28, 2009	Evening Shift
<b>292</b>	April 29, 2009	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

**COUNT NINETEEN****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of May, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>SHIFT</b>
<b>293</b>	May 1, 2009	Evening Shift
<b>294</b>	May 2, 2009	Evening Shift
<b>295</b>	May 5, 2009	Evening Shift
<b>296</b>	May 6, 2009	Evening Shift
<b>297</b>	May 7, 2009	Evening Shift
<b>298</b>	May 8, 2009	Evening Shift
<b>299</b>	May 12, 2009	Evening Shift

<b>300</b>	May 13, 2009	Evening Shift
<b>301</b>	May 14, 2009	Evening Shift
<b>302</b>	May 15, 2009	Evening Shift
<b>303</b>	May 16, 2009	Evening Shift
<b>304</b>	May 19, 2009	Evening Shift
<b>305</b>	May 20, 2009	Evening Shift
<b>306</b>	May 21, 2009	Evening Shift
<b>307</b>	May 22, 2009	Evening Shift
<b>308</b>	May 23, 2009	Evening Shift
<b>309</b>	May 27, 2009	Evening Shift
<b>310</b>	May 28, 2009	Evening Shift
<b>311</b>	May 29, 2009	Evening Shift

in violation of Title 30, United States Code, Section 820(f).

**COUNT TWENTY****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****ONSHIFT SAFETY EXAMINATIONS**

On or about each date listed below in the month of June, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was certified to perform underground mine onshift safety examinations, and that his foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not certified to perform underground mine onshift safety examinations and that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>SHIFT</b>
<b>312</b>	June 2, 2009	Evening Shift
<b>313</b>	June 4, 2009	Evening Shift
<b>314</b>	June 5, 2009	Evening Shift

in violation of Title 30, United States Code, Section 820(f).



**COUNT TWENTY-ONE****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of September, 2008, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>315</b>	September 15, 2008	1:20 p.m.
<b>316</b>	September 16, 2008	1:23 p.m.
<b>317</b>	September 17, 2008	1:15 p.m.
<b>318</b>	September 18, 2008	1:30 p.m.
<b>319</b>	September 19, 2008	1:28 p.m.
<b>320</b>	September 20, 2008	1:20 p.m.

<b>321</b>	September 22, 2008	1:22 p.m.
<b>322</b>	September 23, 2008	1:00 p.m.
<b>323</b>	September 24, 2008	1:20 p.m.
<b>324</b>	September 25, 2008	1:21 p.m.
<b>325</b>	September 26, 2008	1:31 p.m.
<b>326</b>	September 29, 2008	1:15 p.m.
<b>327</b>	September 30, 2008	1:30 p.m.

in violation of Title 30, United States Code, Section 820(f).

**COUNT TWENTY-TWO****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of October, 2008, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>328</b>	October 1, 2008	1:28 p.m.
<b>329</b>	October 2, 2008	1:16 p.m.
<b>330</b>	October 3, 2008	1:35 p.m.
<b>331</b>	October 4, 2008	1:30 p.m.
<b>332</b>	October 6, 2008	1:23 p.m.
<b>333</b>	October 7, 2008	1:26 p.m.

334	October 8, 2008	1:30 p.m.
335	October 9, 2008	1:32 p.m.
336	October 10, 2008	1:22 p.m.
337	October 13, 2008	1:30 p.m.
338	October 14, 2008	1:27 p.m.
339	October 15, 2008	1:17 p.m.
340	October 16, 2008	1:22 p.m.
341	October 17, 2008	1:20 p.m.
342	October 18, 2008	1:32 p.m.
343	October 20, 2008	1:30 p.m.
344	October 22, 2008	1:33 p.m.
345	October 23, 2008	1:24 p.m.
346	October 24, 2008	1:35 p.m.
347	October 27, 2008	1:34 p.m.
348	October 28, 2008	1:26 p.m.
349	October 29, 2008	1:30 p.m.
350	October 30, 2008	1:00 p.m.
351	October 31, 2008	1:36 p.m.

in violation of Title 30, United States Code, Section 820(f).

**COUNT TWENTY-THREE****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESIFT SAFETY EXAMATION REPORTS**

On or about each date listed below in the month of November, 2008, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>352</b>	November 1, 2008	1:30 p.m.
<b>353</b>	November 3, 2008	1:32 p.m.
<b>354</b>	November 4, 2008	1:29 p.m.
<b>355</b>	November 5, 2008	1:31 p.m.
<b>356</b>	November 6, 2008	1:38 p.m.
<b>357</b>	November 7, 2008	1:31 p.m.

<b>358</b>	November 10, 2008	1:34 p.m.
<b>359</b>	November 11, 2008	1:30 p.m.
<b>360</b>	November 12, 2008	1:31 p.m.
<b>361</b>	November 13, 2008	1:33 p.m.
<b>362</b>	November 14, 2008	1:29 p.m.
<b>363</b>	November 15, 2008	1:30 p.m.
<b>364</b>	November 17, 2008	1:38 p.m.
<b>365</b>	November 19, 2008	1:22 p.m.
<b>366</b>	November 20, 2008	1:29 p.m.
<b>367</b>	November 21, 2008	1:15 p.m.

in violation of Title 30, United States Code, Section 820(f).

**COUNT TWENTY-FOUR****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of December, 2008, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>368</b>	December 1, 2008	1:20 p.m.
<b>369</b>	December 2, 2008	1:23 p.m.
<b>370</b>	December 3, 2008	1:25 p.m.
<b>371</b>	December 4, 2008	1:30 p.m.
<b>372</b>	December 5, 2008	1:21 p.m.
<b>373</b>	December 6, 2008	1:30 p.m.

<b>374</b>	December 8, 2008	1:32 p.m.
<b>375</b>	December 9, 2008	1:28 p.m.
<b>376</b>	December 10, 2008	1:28 p.m.
<b>377</b>	December 11, 2008	1:32 p.m.
<b>378</b>	December 12, 2008	1:30 p.m.
<b>379</b>	December 13, 2008	1:29 p.m.
<b>380</b>	December 15, 2008	1:39 p.m.
<b>381</b>	December 16, 2008	1:28 p.m.
<b>382</b>	December 17, 2008	1:30 p.m.
<b>383</b>	December 18, 2008	1:34 p.m.
<b>384</b>	December 29, 2008	1:30 p.m.
<b>385</b>	December 30, 2008	1:24 p.m.
<b>386</b>	December 31, 2008	1:20 p.m.

in violation of Title 30, United States Code, Section 820(f).



**COUNT TWENTY-FIVE****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of January, 2009, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>SECTION</b>
<b>387</b>	January 2, 2009	1:20 p.m.
<b>388</b>	January 5, 2009	1:22 p.m.
<b>389</b>	January 6, 2009	1:20 p.m.
<b>390</b>	January 7, 2009	1:20 p.m.
<b>391</b>	January 8, 2009	1:32 p.m.
<b>392</b>	January 9, 2009	1:26 p.m.

393	January 10, 2009	1:26 p.m.
394	January 12, 2009	1:24 p.m.
395	January 13, 2009	1:25 p.m.
396	January 14, 2009	1:24 p.m.
397	January 15, 2009	1:33 p.m.
398	January 16, 2009	1:28 p.m.
399	January 20, 2009	1:15 p.m.
400	January 21, 2009	1:22 p.m.
401	January 22, 2009	1:05 p.m.
402	January 23, 2009	1:31 p.m.
403	January 24, 2009	1:28 p.m.
404	January 26, 2009	1:27 p.m.
405	January 27, 2009	1:33 p.m.
406	January 28, 2009	1:28 p.m.
407	January 29, 2009	1:35 p.m.
408	January 30, 2009	1:22 p.m.

in violation of Title 30, United States Code, Section 820(f).

**COUNT TWENTY-SIX****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of February, 2009, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>409</b>	February 2, 2009	1:20 p.m.
<b>410</b>	February 4, 2009	1:30 p.m.
<b>411</b>	February 5, 2009	1:00 p.m.
<b>412</b>	February 6, 2009	1:16 p.m.
<b>413</b>	February 9, 2009	1:26 p.m.
<b>414</b>	February 10, 2009	1:31 p.m.

415	February 11, 2009	1:27 p.m.
416	February 12, 2009	1:33 p.m.
417	February 13, 2009	1:22 p.m.
418	February 16, 2009	1:15 p.m.
419	February 17, 2009	1:35 p.m.
420	February 18, 2009	1:38 p.m.
421	February 19, 2009	1:31 p.m.
422	February 20, 2009	1:35 p.m.
423	February 21, 2009	1:34 p.m.
424	February 23, 2009	1:27 p.m.
425	February 24, 2009	1:28 p.m.
426	February 25, 2009	1:24 p.m.
427	February 26, 2009	1:24 p.m.
428	February 28, 2009	1:35 p.m.

in violation of Title 30, United States Code, Section 820(f).

**COUNT TWENTY-SEVEN****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of March, 2009, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>429</b>	March 2, 2009	1:30 p.m.
<b>430</b>	March 3, 2009	1:33 p.m.
<b>431</b>	March 4, 2009	1:37 p.m.
<b>432</b>	March 5, 2009	1:30 p.m.
<b>433</b>	March 6, 2009	1:29 p.m.
<b>434</b>	March 7, 2009	1:30 p.m.

435	March 9, 2009	1:26 p.m.
436	March 10, 2009	1:20 p.m.
437	March 11, 2009	1:35 p.m.
438	March 12, 2009	1:28 p.m.
439	March 13, 2009	1:33 p.m.
440	March 16, 2009	1:34 p.m.
441	March 17, 2009	1:20 p.m.
442	March 18, 2009	1:31 p.m.
443	March 19, 2009	1:34 p.m.
444	March 20, 2009	1:35 p.m.
445	March 21, 2009	1:30 p.m.
446	March 23, 2009	1:36 p.m.
447	March 24, 2009	1:30 p.m.
448	March 25, 2009	1:38 p.m.
449	March 26, 2009	1:28 p.m.
450	March 26, 2009	1:32 p.m.
451	March 30, 2009	1:35 p.m.
452	March 31, 2009	1:23 p.m.

in violation of Title 30, United States Code, Section 820(f).

**COUNT TWENTY-EIGHT****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of April, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>453</b>	April 1, 2009	1:30 p.m.
<b>454</b>	April 2, 2009	1:30 p.m.
<b>455</b>	April 3, 2009	1:26 p.m.
<b>456</b>	April 6, 2009	1:15 p.m.
<b>457</b>	April 7, 2009	1:45 p.m.
<b>458</b>	April 8, 2009	1:31 p.m.

<b>459</b>	April 9, 2009	1:30 p.m.
<b>460</b>	April 20, 2009	1:25 p.m.
<b>461</b>	April 21, 2009	1:27 p.m.
<b>462</b>	April 22, 2009	1:28 p.m.
<b>463</b>	April 23, 2009	1:22 p.m.
<b>464</b>	April 24, 2009	1:17 p.m.
<b>465</b>	April 27, 2009	1:30 p.m.
<b>466</b>	April 28, 2009	1:23 p.m.
<b>467</b>	April 29, 2009	1:17 p.m.
<b>468</b>	April 30, 2009	1:30 p.m.

in violation of Title 30, United States Code, Section 820(f).



**COUNT TWENTY-NINE****(False Statements, Representations and Certifications in MSHA Documents)****UNDERGROUND MINE****COUNTERSIGNED PRESHIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of May, 2009, at or near Webster County, within the Northern District of West Virginia, defendant CHAD J. FERRELL did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

<b>EXHIBIT #</b>	<b>DATE</b>	<b>TIME</b>
<b>469</b>	May 1, 2009	1:31 p.m.
<b>470</b>	May 4, 2009	1:25 p.m.
<b>471</b>	May 5, 2009	1:24 p.m.
<b>472</b>	May 6, 2009	1:30 p.m.
<b>473</b>	May 7, 2009	1:21 p.m.
<b>474</b>	May 11, 2009	1:20 p.m.

<b>475</b>	May 12, 2009	1:22 p.m.
<b>476</b>	May 13, 2009	1:23 p.m.
<b>477</b>	May 14, 2009	1:30 p.m.
<b>478</b>	May 15, 2009	Unknown
<b>479</b>	May 18, 2009	1:27 p.m.
<b>480</b>	May 19, 2009	1:20 p.m.
<b>481</b>	May 20, 2009	1:17 p.m.
<b>482</b>	May 21, 2009	1:24 p.m.
<b>483</b>	May 22, 2009	1:19 p.m.
<b>484</b>	May 26, 2009	1:16 p.m.
<b>485</b>	May 27, 2009	1:20 p.m.
<b>486</b>	May 28, 2009	1:45 p.m.

in violation of Title 30, United States Code, Section 820(f).

**COUNT THIRTY**

**(False Statements, Representations and Certifications in MSHA Documents)**

**UNDERGROUND MINE**

**COUNTERSIGNED PRESIFT SAFETY EXAMINATION REPORTS**

On or about each date listed below in the month of June, 2009, at or near Webster County, within the Northern District of West Virginia, defendant **CHAD J. FERRELL** did knowingly make a false statement, representation and certification in a record, report and other document filed and required to be maintained pursuant to Chapter 22 of Title 30 of the United States Code, that is, defendant **CHAD J. FERRELL** did falsely state, represent and certify in the PRE-SHIFT - ONSHIFT and DAILY REPORT for the Poplar Ridge Mine that he was a "Mine-Foreman" and "Assistant Mine Foreman", whose mine foreman certification number was 38817, when in fact defendant **CHAD J. FERRELL** knew that he was not and has never been certified as a foreman by WVOMHST and he was not and has never been certified as a foreman by MSHA, and he knew that mine foreman certification number 38817 was not and has never been assigned to him; any one of which statements, representations and certifications alone is sufficient to constitute a violation of this count:

EXHIBIT #	DATE	TIME
487	June 1, 2009	1:23 p.m.
488	June 3, 2009	1:17 p.m.
489	June 4, 2009	1:21 p.m.

in violation of Title 30, United States Code, Section 820(f).

A true bill,

/s/ \_\_\_\_\_  
Foreperson  
(Signature on File)

/s/ Stephen Warner Fer  
WILLIAM J. IHLENFELD, II  
UNITED STATES ATTORNEY